



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

---

## STAFF REVIEW AND RECOMMENDATION

Variance Case #: V2012-06

Legistar #: 20120100

Board of Zoning Appeals Hearing: Monday, February 27, 2012 – 6:00 p.m.

**Applicant:** Kim Bullard  
The Car Wash Depot, II, LLC  
8295 Bailey Mill Road  
Gainesville, GA 30506

**Property Owner:** Same as above

**Address:** 901 Burnt Hickory Road

**Land Lot:** 03230      **District:** 20      **Parcel:** 0480

**Council Ward:** 4      **Existing Zoning:** CRC (Community Retail Commercial)

### Special Exception / Special Use / Variance(s) Requested:

1. Variance to allow a wall sign project above the eave line. [*Section 714.06 (A)(15)*]
2. Variance to increase the wall sign allowance from 15% to 16.3% for the east facing wall. [*Section 714.04 (B)*]

### Statement of Fact

As per section 720.03 of the Comprehensive Development Code of Marietta, the Board of Zoning Appeals may alter or modify the application of any such provision in the Development Code because of unnecessary hardship if doing so shall be in accordance with the general purpose and intent of these regulations, or amendments thereto, and only in the event the board determines that by such alteration or modification unnecessary hardship may be avoided and the public health, safety, morals and general welfare is properly secured and protected. In granting any variance the board of zoning appeals shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of these regulations and may designate conditions to be performed or met by the user or property owner, out of regard for the public health, safety, comfort, convenience, and general welfare of the community, including safeguards for, with respect to light, air, areas of occupancy, density of population and conformity to any master plan guiding the future development of the city. The development costs of the applicant as they pertain to the strict compliance with a regulation may not be the primary reason for granting a variance.

### Criteria:

1. Exceptional or extraordinary circumstances or conditions *are/are not* applicable to the development of the site that do not apply generally to sites in the same zoning district.

2. Granting the application *is/is not* necessary for the preservation and enjoyment of a substantial property right of the applicant, and to prevent unreasonable property loss or unnecessary hardship.
3. Granting the application *will/will not* be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety, or general welfare.

### PICTURES



**901 Burnt Hickory Road**



**Existing Sign Location**



**Proposed Sign Location**





**Recommended Action:**

**Approval.** The applicant, Kim Bullard, is requesting sign variances for property located at 901 Burnt Hickory Road and zoned CRC (Community Retail Commercial). The property, an outparcel of the Kroger Shopping Center, is surrounded by other parcels that are also zoned CRC. Across Burnt Hickory Road to the east are vacant parcels zoned OI (Office Institutional). The applicant wishes to relocate the existing 34"x21' sign reading "Car Wash," permitted in 2002 (02-50000427), from the south-facing side of her building to the east-facing side of the building in an attempt to increase visibility from Whitlock Avenue. The sign, in its current location, is blocked by trees and brush within the shopping center's detention basin.

The existing sign is considered legally nonconforming in its current location because it projects above the eave line and does not face a public roadway. If the location of a sign is changed, the sign must come into compliance. Roof signs, defined as "*a sign that is mounted on the roof of a building or which is wholly dependent upon a building for support and which projects above... the eave line of a building with a gambrel, gable or hip roof ...*" are prohibited under Section



Department of Development Services  
205 Lawrence Street  
Marietta, Georgia 30060  
Brian Binzer, Director

---

714.06 (A). If the sign was mounted below the eave so it would not project above the roofline, then the sign would not be able to maintain the required clearance of 10' below the sign. The clearance is required for safety purposes if the sign projects more than 4" from the building face; the applicant has reported that the sign letters are 5" thick. Granting a variance to allow the sign to project above the eave not only gives the applicant the increased visibility prompting this request, but also helps the City preserve a standard likely adopted for safety reasons.

Wall signs are also limited to covering no more than 15% of the building face. The sign, in its existing location, does not cover more than 15%. However, the east-facing wall is much narrower than the south-facing side. As a result, the sign will constitute 16.3% of the wall at the proposed location and would require a variance. Granting this variance would allow the applicant the option of re-using the existing sign rather than having a new sign made.

It should be noted that, if the variance requests are granted to allow the sign be relocated to the east-facing wall, the applicant would not be able to permit a new sign on the south-facing wall because it does not face a public roadway or internal access drive. Also, it should be noted that there is nothing preventing the applicant from leaving the subject sign in its current location and having a new, conforming sign made for the east facing wall. This results in the retention of a nonconforming sign and the addition of a new sign. It is mutually advantageous for the City to grant these variances. As a result, **staff recommends approval of these variances.**